IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUNATION SHEET
APPEAL FROM ORDER NO.158 OF 2007

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Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	**Court's or Judge's orders**

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Mr.Milan Desai for the Appellant
Mr.R.D.Suryawanshi for Respondent No.1.

CORAM: A.S.OKA, J.
DATE : OCTOBER 31,2007.

P.C.:

1. The Appeal was dismissed for default in the morning session. On the oral prayer made by the Advocate for the Appellant, the Appeal is restored.

2. The Appellant has taken an exception to the order dated 28th January 2007 passed by the Civil Judge (Senior Division) at Kalyan. By the said order the application made by the Appellant-defendant praying for rejection of the plaint has been rejected.

3. The Appeal from Order against the said order is not maintainable either under section 104 or Order XLIII of the Code of Civil Procedure,1908. Hence, the Appeal from Order is dismissed as not maintainable. However, it is clarified that notwithstanding the dismissal of the Appeal, it will be open for the Appellant

to take out appropriate proceedings.

JUDGE